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Rachel Perillo

August 27, 2020

Via ECF & Email

Honorable Andrew L. Carter, Jr.
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: United States v. Hernandez, et al.,
Including ANDREW ROCCO
18 Cr. 420 (ALC)

Dear Judge Carter:

I am the attorney for Andrew Rocco, the defendant in the above-referenced matter. This letter is respectfully submitted to renew Mr. Rocco's previous application for permission to reside in Las Vegas, Nevada until he is sentenced in this matter. It is further respectfully requested that the Court hold a telephonic conference to address this application.

Mr. Rocco was arrested on July 30, 2018, and that day was released pursuant to a \$100,000 personal recognizance bond, subject to conditions of release, including travel limited to the Southern and Eastern Districts of New York. On January 29, 2020, Mr. Rocco pleaded guilty to Count Three of the instant Indictment. On February 6, 2020, the Court remanded Mr. Rocco following violations of his bond conditions. On May 8, 2020, Mr. Rocco was released to home detention due to the COVID-19 pandemic and related concerns for his health. He is scheduled to be sentenced on November 17, 2020 at 10:00 a.m.

Upon his release from custody, Mr. Rocco resided with his brother and sister-in-law at their home in the Bronx. Recently, however, the couple separated, and Mr. Rocco's brother moved out of his home, leaving Mr. Rocco without a permanent place to reside. He is now temporarily residing with a friend.

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Due to the changes in his living situation, Mr. Rocco wishes to renew his previous request to relocate to Las Vegas, Nevada.¹ As the Court is likely aware, Mr. Rocco was living in Las Vegas at the time of his arrest, and thereafter voluntarily traveled to the Southern District of New York to self-surrender. If he returns to Las Vegas, Mr. Rocco could reside with his uncle, and also work for his uncle's construction company. At this time, it is respectfully submitted that it would be in Mr. Rocco's best interest to reside in Las Vegas while he awaits sentencing, as he would have a stable residence and guaranteed employment, which he does not have in New York.

The government, by AUSA Jacob Warren, objects to this request. My office has conferred with Mr. Rocco's Pretrial Services Officer, Marlon Ovalles, who also objects to Mr. Rocco's relocation, but indicates that Mr. Rocco has been compliant with supervision but for three recent instances of minor non-compliance.² Aside from these instances, since his release in May 2020 Mr. Rocco has been abiding by his conditions of release by staying at home, as required, attending his treatment sessions, and he has not committed any crimes. It is further submitted that Mr. Rocco does not pose a risk of flight, as he voluntarily surrendered to this District, and has attended all of his court appearances while released on bail.

Accordingly, it respectfully requested that Mr. Rocco be permitted to relocate to Las Vegas, Nevada and that the Court hold a telephonic conference to further address this application.

If the Court has any questions regarding this matter, please contact my office.

Respectfully submitted,

/s/

Jeremy Schneider

cc: AUSA Jacob Warren (By ECF & Email)
USPSO Marlon Ovalles (By Email)

**The application is DENIED.
So Ordered.**

 8/31/20

¹ Mr. Rocco made this application at the time of the plea hearing, and the parties subsequently filed a joint submission apprising the Court of the logistics of pretrial supervision if Mr. Rocco were to relocate. (ECF No. 462). Ultimately, the Court denied Mr. Rocco's request and he was remanded following a bail violation hearing on February 6, 2020.

² Pretrial Officer Ovalles indicates that on July 26, 2020, Mr. Rocco's location monitoring showed that he left his residence for approximately 30 minutes without permission; in early August, Mr. Rocco admitted to using marijuana on one occasion; and on August 24, 2020, Mr. Rocco missed a drug treatment session.